

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:05CR59
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
ERIC U. MCPHERSON,	)	
	)	
Defendant.	)	

Before the court is the government's motion for Rule 35(b) hearing. Filing No. 28.  
Having considered the matter,

IT IS ORDERED that:

1. A Rule 35 hearing is scheduled before the undersigned on **August 2, 2006, at 1:00 p.m.** in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18<sup>th</sup> Plaza, Omaha, Nebraska.

2. At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion.

**3. The Marshal is directed not to return the defendant to the district; and the defendant is held to have waived his right to be present.**

4. Counsel for the defendant is reappointed to represent the defendant for purposes of the Rule 35(b) motion.

DATED this 11th day of July, 2006.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
United States District Judge